

46094

RESOLUTION NO. 2578

Original
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A RESOLUTION AUTHORIZING MR. AND MRS. THOMAS F. MCGARRY OF 403 PACIFIC TERRACE, KLAMATH FALLS, OREGON TO ENCROACH UPON THE ALLEY RIGHT-OF-WAY ADJACENT TO LOT 6, BLOCK 44, HOT SPRINGS ADDITION AND LOT 12, BLOCK 46, HILLSIDE ADDITION.

WHEREAS, Mr. and Mrs. Thomas F. McGarry of 403 Pacific Terrace, Klamath Falls, Oregon have petitioned the City Council of the City of Klamath Falls, Oregon, to grant an encroachment permit, and

WHEREAS, Mr. and Mrs. Thomas F. McGarry propose to use the alley right-of-way to place two geothermal pipes across the alley adjacent to said Lots 6 and 12, and

WHEREAS, the City Council of the City of Klamath Falls, Oregon through its own investigation has determined that an encroachment permit may be granted to Mr. and Mrs. Thomas F. McGarry to allow construction within the alley right-of-way without unduly or significantly affecting the City's best interests.

NOW, THEREFORE, THE CITY OF KLAMATH FALLS, OREGON, RESOLVES AS FOLLOWS:

Section 1.

Mr. and Mrs. Thomas F. McGarry of 403 Pacific Terrace, Klamath Falls, Oregon are hereby authorized to encroach upon the right-of-way adjacent to said Lots 6 and 12.

Said encroachment shall be granted under the following provisions:

1. Said permission shall carry a non-refundable fee of twenty-five dollars (\$25.00).
2. Said permission shall be revocable upon written notice by the City of Klamath Falls within a reasonable time limit and it shall be non-exclusive.
3. Mr. and Mrs. Thomas F. McGarry or future owners of said Lots 6 and 12 shall hold the City of Klamath Falls and its authorized representatives harmless from claims for damage to personal property placed within the encroachment area which occurs as a result of the City's subsequent use at said encroachment area.
4. Mr. and Mrs. Thomas F. McGarry or future owners of said Lots 6 and 12 shall be responsible for damages to any person injured whose injury is caused by said encroachment. The owner, or future owners, shall take all reasonable precautions to insure the safety of the public upon the affected portion of the alley right-of-way.
5. The City shall file an encroachment permit with the County Clerk.

APR 11 AM 11 33

Passed by the Common Council of the City of Klamath Falls, Oregon, this 6th day of February, 1978.

Presented to the Mayor and by him approved and signed this 6th day of February, 1978. 6946

Mayor George C. Elfruff

ATTEST:

Recorder Harold Derrah

STATE OF OREGON,)
COUNTY OF KLAMATH,) ss.
CITY OF KLAMATH FALLS.)

I, Harold Derrah, Recorder for the City of Klamath Falls, Oregon, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Klamath Falls, Oregon, at a regular meeting held on the 6th day of February, 1978, and thereafter approved by the Mayor and attested by the City Recorder.

Harold Derrah
Recorder

ACCEPTANCE

The undersigned does hereby accept the terms and conditions of this resolution.
Dated this 11 day of April, 1978.

Thomas F. McGarry
Thomas F. McGarry

Mrs. Thomas F. McGarry
Mrs. Thomas F. McGarry

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of City of Klamath Falls,
on 11th day of April, A. D. 1978 at 11:23 o'clock AM., and
duly recorded in Vol. M78, of Deeds, on Page 6945

Wm D. MILNE, County Clerk

Benjamin H. Delich

Fee \$6.00

Return to: City of Klamath Falls
236 S. 5th
City